



APPEALS HEARING BOARD AGENDA

THURSDAY, FEBRUARY 28, 2008

Evening Session 6:30 p.m.
Council Chambers, City Hall

200 E. Santa Clara Street
San Jose, California

Clark Williams, Chair
Karen Parsons, Vice Chair
Calvin Chu Sonja Etienne
Jose Hernandez Troy Overton
Susan Ruscigno

Joseph Horwedel, Director
Planning, Building and Code Enforcement

The Appeals Hearing Board Packet is available for viewing between the hours of 8 a.m. to 5 p.m., Monday through Friday, at the Code Enforcement Office, 170 W. San Carlos Street, San Jose, CA 95113. The Appeals Hearing Board Packet is available by contacting the AHB Secretary at (408) 277-4528.

NOTICE TO THE PUBLIC

Good evening, my name is Clark Williams and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of February 28, 2008.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of January 24, 2008.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Sandy Bouja at 408-277-8428) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL**
2. **OPENING REMARKS AND APPROVAL OF MINUTES**
Recommendation: Approval of minutes for January 24, 2008.
3. **REQUEST FOR EXCUSED ABSENCE**
4. **DEFERRED AND/OR CONTINUED ITEMS**
5. **PUBLIC HEARINGS**
 - a. **1137 VIA JOSE (577-23-013) PROPOSED ABATEMENT**
(Greg Peacock, Inspector / Edwin Hill, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to abate the large quantity of dirt, a steel I-beam, and an inoperable vehicle from the property and also obtain a proposed abatement order to allow the City to abate the public nuisance if necessary.
 - b. **1330 BRITTON AVENUE (429-12-011) ADMINISTRATIVE REMEDY**
(Luis Arevalo, Inspector / Michael Pena, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to obtain the necessary permits from the Building Division and receive a final inspection verifying the permitted work has been completed in compliance with Special Use Permit 07-019 and Permit Adjustment AD07-889.
 - c. **1339 GARRANS DRIVE (307-22-019) ADMINISTRATIVE REMEDY**
(Kerry Smith, Inspector / John Borst, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to obtain the necessary re-roof permit and a permit final from the City of San Jose Building Division.

d. 223 EDWARDS AVENUE (264-38-062) ADMINISTRATIVE REMEDY

(Garry McLeod, Inspector / Roberto & Mayra M. Guerra, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to cease all occupation of the basement and accessory structures (both attached and detached) and to obtain the required permits to correct all Code violations.

e. 1549 IRIS COURT (429-30-041) ADMINISTRATIVE REMEDY

(Luis Arevalo, Inspector / Scott & Heather Giddens, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner obtain the necessary permits for the construction, alteration and additions to the garage and the overhang between the house and the garage.

f. 1499 FORD AVENUE (434-23-074) SUMMARY ABATEMENT

(Garry McLeod, Inspector / Liquidation Properties, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to board up the two openings of the subject property due to the imminently dangerous conditions.

g. 1775 CRUCERO DRIVE (477-41-099) SUMMARY ABATEMENT

(Garry McLeod, Inspector / Citibank N A, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the unsecured vacant property due to the imminently dangerous conditions.

6. OTHER BUSINESS

- a. Adoption of a Resolution of the Appeals Hearing Board Establishing Revised and Updated Rules and Regulations Pertaining to the Organization of the Board, Membership, Officers, and Meetings.**

7. ORAL COMMUNICATIONS FROM THE PUBLIC

8. ADJOURNMENT

Next Board Meeting: March 13, 2008